

Appln. No. 10/518,354
Amd. dated September 21, 2007
Reply to Office Action of June 21, 2007

Amendments to the Drawing:

Submitted herewith are replacement sheets containing Figs. 1-4. These drawings are of somewhat better quality than the original drawings. On the replacement sheets, Figs. 1, 3 and 4 are identical to the original figures; Fig. 2 differs from the original only by deletion of the reference numeral "49".

Encl: Four (4) replacement sheets

REMARKS

The examiner's Action dated June 21, 2007, has been received, and its contents carefully noted.

The restriction requirement and the withdrawal of claim 15 from consideration are respectfully traversed. Clearly, claims 1 and 15 define the same essential characteristics of a single disclosed embodiment of the invention. Both independent claims are directed to an espresso coffeemaker having essentially the same components. The basic difference between the claims is that claim 15 does not define a principle hydraulic circuit, but rather directly defines the connections between the other recited components. The coffeemaker defined in both claims 1 and 15 has essentially the same design, operation and effect and both claims define the same essential novel features of the invention, as will be discussed below. Restriction between these two claims is not proper since these claims clearly are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition. MPEP Section 806.03.

The first objection to the drawings, relating to the lack of illustration of a "storage zone" is also respectfully traversed. This objection is based on 37 CFR 1.83(a). That rule requires that the drawing show every feature of the

invention specified in the claims. However, the "storage zone" is not a feature of the invention, as defined in the claims. The "storage zone" is not a positively recited element of the claims and is referred to only to identify the possible destination of water arriving by the pressure reduction conduit. An espresso coffeemaker need not have a storage zone in order to infringe any one of the application claims. Stated in other terms, the storage zone is not a "feature of the invention specified in the claims". An illustration of a storage zone would add nothing useful to the present disclosure.

In response to the second objection to the drawings, the reference numeral "49" previously appeared only in Figure 2 and in certain of the application claims. It has been determined that the reference numeral is not essential to the present disclosure, particularly since it duplicates other reference numerals identifying the various components of the "means for reducing the pressure". Accordingly, in response to this objection, a replacement sheet containing Figure 2, from which the reference numeral has been deleted, is submitted herewith and the reference numeral has been deleted from the application claims.

In response to the rejection of the claims under 35 U.S.C. 112, second paragraph, claim 1 has been amended to

correct the obvious typographical error on which that objection is based.

In addition, for the sake of further clarity, claim 1 has been amended to specify that the reservoir is removable, as was originally recited in claim 1.

It is therefore requested that the restriction requirement, the objections to the drawings, and the claim rejection under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn.

The rejection of claims 1-14 as unpatentable over EP 1147730(Charles) in view of the U.S. patent application publication to Rolland is respectfully traversed for the reason that the present invention, as claimed, is not disclosed in, or suggested by, either one, or any combination of the teachings of the applied references; in fact, neither reference contains a disclosure that is in any way relevant to the claimed invention.

As defined in independent claims 1 and 15, the present invention is directed to a type of espresso coffeemaker having a removable reservoir that is not only connected to supply water to a heating unit, but is also connected to a pressure reduction conduit for return of water leaving the heating unit. The present invention is specifically directed to the provision of a connection device

having means for reducing the pressure of the water jet arriving by the pressure reduction conduit for return to the reservoir.

Charles discloses a coffeemaker having a permanently mounted reservoir with an outlet from which water is supplied, by a pump, to a heating unit.

Rolland discloses a coffeemaker having a removable reservoir provided at its bottom with an outlet via which water is supplied to an infusion group by a pump.

Neither of the applied references discloses any system for returning water to the reservoir.

Each of claims 1 and 15 specifically recites "said reservoir (4) being also connected to a pressure reduction conduit (37) for return of water leaving the heating unit in the form of a jet". Neither applied reference discloses a reservoir having any provision for return of water leaving the heating unit. Neither reference contains any disclosure that can possibly be considered to suggest such a structural arrangement.

Moreover, independent claim 1 further specifies that:

said coffeemaker further comprises a connection device (28) connecting said reservoir (4) with said principal hydraulic circuit and said pressure

reduction conduit and having means for reducing the pressure of the water jet arriving by the pressure reduction conduit for return to the reservoir and means (44) for directing water arriving by the pressure reduction conduit towards a storage zone.

Claim 15 contains essentially the same recitations.

Here again, neither reference contains any disclosure that can possibly be considered to suggest such a structural arrangement.

It is noted that the explanation of the rejection makes no mention of these features that are specifically and positively recited in each of the independent claims. Thus, the explanation of the rejection provides no reasoning as to why the invention as claimed would be considered obvious in view of the applied references.

In the absence of some evidence that it would be obvious to provide an espresso coffeemaker with the features defined in the above-cited portions of independent claims 1 and 15, it is requested that the prior art rejection be reconsidered and withdrawn and that the pending claims be allowed.

If the present Amendment is not found to place the application in allowable condition, it is desired to seek a personal interview to resolve remaining issues. Accordingly,

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the Examiner is asked to contact undersigned counsel if the application is not now in allowable condition.

In view of the foregoing, it is requested that the drawing objection and the claim rejection be reconsidered and withdrawn, that all the claims now be allowed and that the application be found in allowable condition.

Respectfully submitted,
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